

105TH CONGRESS
1ST SESSION

S. 504

To amend title 18, United States Code, to prohibit the sale of personal information about children without their parents' consent, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 20, 1997

Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit the sale of personal information about children without their parents' consent, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Children’s Privacy Pro-
5 tection and Parental Empowerment Act of 1997”.

1 **SEC. 2. PROHIBITION OF CERTAIN ACTIVITIES RELATING**
2 **TO PERSONAL INFORMATION ABOUT CHIL-**
3 **DREN.**

4 (a) IN GENERAL.—Chapter 89 of title 18, United
5 States Code, is amended by adding at the end the follow-
6 ing:

7 **“§ 1822. Sale of personal information about children**

8 “(a) PROHIBITION.—Whoever, in or affecting inter-
9 state or foreign commerce—

10 “(1) being a list broker, knowingly—

11 “(A) sells, purchases, or receives remun-
12 eration for providing personal information
13 about a child knowing that such information
14 pertains to a child without the consent of a par-
15 ent of that child;

16 “(B) conditions any sale or service to a
17 child or to that child’s parent on the granting
18 of such a consent; or

19 “(C) fails to comply with the request of a
20 parent—

21 “(i) to disclose the source of personal
22 information about that parent’s child;

23 “(ii) to disclose all information that
24 has been sold or otherwise disclosed by
25 that list broker about that child; or

1 “(iii) to disclose the identity of all
2 persons to whom the list broker has sold or
3 otherwise disclosed personal information
4 about that child;

5 “(2) being a person who, using any personal in-
6 formation about a child in the course of commerce
7 that was obtained for commercial purposes, has di-
8 rectly contacted that child or a parent of that child
9 to offer a commercial product or service to that
10 child, knowingly fails to comply with the request of
11 a parent—

12 “(A) to disclose to the parent the source of
13 personal information about that parent’s child;

14 “(B) to disclose all information that has
15 been sold or otherwise disclosed by that person
16 about that child; or

17 “(C) to disclose the identity of all persons
18 to whom such a person has sold or otherwise
19 disclosed personal information about that child;

20 “(3) knowingly uses prison inmate labor, or any
21 worker who is registered pursuant to title XVII of
22 the Violent Crime Control and Law Enforcement
23 Act of 1994, for data processing of personal infor-
24 mation about children; or

1 “(4) knowingly distributes or receives any per-
2 sonal information about a child, knowing or having
3 reason to believe that the information will be used
4 to abuse the child or physically to harm the child;
5 shall be fined under this title, imprisoned not more than
6 1 year, or both.

7 “(b) CIVIL ACTIONS.—A child or the parent of that
8 child with respect to whom a violation of this section oc-
9 curs may in a civil action obtain appropriate relief, includ-
10 ing monetary damages of not less than \$1,000. The court
11 shall award a prevailing plaintiff in a civil action under
12 this subsection a reasonable attorney’s fee as a part of
13 the costs.

14 “(c) LIMITATION.—Nothing in this section shall be
15 construed to affect the sale of lists to—

16 “(1) any Federal, State, or local government
17 agency or law enforcement organization;

18 “(2) the National Center for Missing and Ex-
19 ploited Children; or

20 “(3) any institution of higher education (as that
21 term is defined in section 1201(a) of the Higher
22 Education Act of 1965 (20 U.S.C. 1141(a)).

23 “(d) DEFINITIONS.—In this section—

24 “(1) the term ‘child’ means a person who has
25 not attained the age of 16 years;

1 “(2) the term ‘parent’ includes a legal guard-
2 ian;

3 “(3) the term ‘personal information’ means in-
4 formation (including name, address, telephone num-
5 ber, social security number, and physical descrip-
6 tion) about an individual identified as a child, that
7 would suffice to physically locate and contact that
8 individual; and

9 “(4) the term ‘list broker’ means a person who,
10 in the course of business, provides mailing lists,
11 computerized or telephone reference services, or the
12 like containing personal information of children.”.

13 (b) CLERICAL AMENDMENT.—The analysis for chap-
14 ter 89 of title 18, United States Code, is amended by add-
15 ing at the end the following:

“1822. Sale of personal information about children.”.

○